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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toui et al.

Serial No. 09/851,983

Filed: May 9, 2001

For: Top Coating Composition

Art Unit: 1712

Examiner: To Be Assigned

Atty. Docket: 0261-0008

RECEIVED

MAR 11 2002

HONORABLE COMMISSIONER

## PETITION FOR CORRECTION OF THE FILING DATE UNDER 37 CFR 1.181

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

## BOX PETITION

Sir:

Applicants hereby request that the filing date of the above-identified application be corrected from May 10, 2001 to May 9, 2001 by the filing of this Petition and fee payment.

The petition fee (37 C.F.R. § 1.17) is believed to be \$200.00. Fee payment is provided in our accompanying check No. 12582. However, if the petition under 37 CFR 1.181 requires fees other than those provided herewith, the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622. A duplicate copy of this Petition is enclosed.

## REMARKS

Applicants filed a patent application for the above-identified case on May 9, 2001 with a check for a necessary fee.

Upon receipt of an Official Filing Receipt showing an error in the filing date, Applicants requested on July 25, 2001 to correct the error from May 10, 2001 to May 9, 2001. Also, Applicants requested that a corrected Official Filing Receipt be issued and sent to the Applicant's representative. A copy of the July 25, 2001 Request is attached as Exhibit 1. However, Applicants have not had a response from the Patent and Trademark Office as to that request.

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05/21/2002 AXELLEY 00000047 09051983  
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Applicants hereby file a petition to correct the filing date and to issue a corrected Official Filing Receipt to the Applicants' representative.

In support of the above request, a photocopy of the check for filing this application (Check No. 11274; Exhibit B) and a Declaration signed by Applicants' representative, Joseph G. Contrera are enclosed.

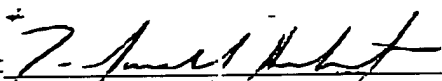
This firm has recently noticed a rise in the number of documents lost in the Patent and Trademark Office. Specifically there seems to be an increase in documents getting separated and lost from the mailroom during the period of the spring and summer of 2001. This loss of documents has necessitated repetition of filings and petitions in a number of cases for this client as well as other clients.

The problem in this case is more difficult due to the lack of stamped postcard. See Declaration of Mr. Joseph G. Contrera. Our courier was not given a return stamped postcard by the window person and the second filed postcard was not received in this firm.

As discussed above and shown by the enclosed evidences, the application was filed on May 9, 2001.

It is therefore respectfully requested that the error of the filing date be corrected, and a corrected official filing receipt be issued and officially entered into the case, which reflects the correction of all the above-noted error. It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,  
SHANKS & HERBERT

By:   
Toni-Juneil Herbert  
Reg. No.: 34 348

Enclosure

Date: 3/5/02

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Touj et al.

Serial No. 09/851,983

Filed: May 9, 2001

For: Top Coating Composition

Art Unit: 1712

Examiner: To Be Assigned

Atty. Docket: 0261-0008

## DECLARATION UNDER 37 CFR 1.68

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

MAR 11 2002

Sir,

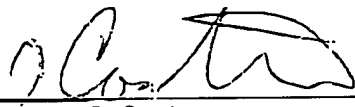
I, Joseph G. Contrera, as Applicants' representative, hereby declare that I signed and dated the transmittal letter of the above-identified application on May 9, 2001, and gave it with other application papers to our courier on this date for filings on May 9, 2001.

I recall the time of the courier departure to be approximately 5:00 p.m. This courier has always been extremely reliable and diligent in his filings.

When our courier delivered the application documents, he was apparently not given a stamped postcard by a window person in the Patent and Trademark office. Nor was a stamped postcard returned to this office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
SHANKS & HERBERT

By:   
Joseph G. Contrera  
Reg. No.: 44,628

Date: 3/5/02

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314  
(703)683-3600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toui et al.

Serial No. 09/851,983

Filed: May 9, 2001

For: Top Coating Composition

Art Unit: 1712

Examiner: To Be Assigned

Atty. Docket: 0261-0008

## REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Applicant(s) hereby request(s) that a corrected Official Filing Receipt be issued and sent to the undersigned representative.

Specifically, it is noted that the following are incorrect on the present Official Filing Receipt:

1. The Filing Date is incorrect

In support of the above request, a photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red.

It is therefore respectfully requested that a corrected Official Filing Receipt is issued and officially entered into the case, which reflects the correction of all the above-noted error(s). It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,

SHANKS &amp; HERBERT

By: Toni-Juhell Herbert

Toni-Juhell Herbert  
Reg. No.: 34,348

Enclosure

Date: 7/25/01

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314



Exhibit B

SHANKS & HERBERT  
TRANSPOTOMAC PLAZA  
1033 NORTH FAIRFAX STREET  
SUITE 306  
ALEXANDRIA, VA 22314

GRANBANK

11274

5/9/2001

65-171550

PAY TO THE ORDER OF USPTO

\$ 710.00

Se: n Hundred Ten and 00/100\*\*\*\*\*

USPTO

DOLLARS  
Security features  
included  
Check for details

MEMO For filing 0261-0008

*Shane A. Gorda*

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⑈10020276⑈

SHANKS & HERBERT  
USPTO

5/9/2001

11274

710.00

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MAR 11 2002

RETURN OFFICE

Grand Bank Checking

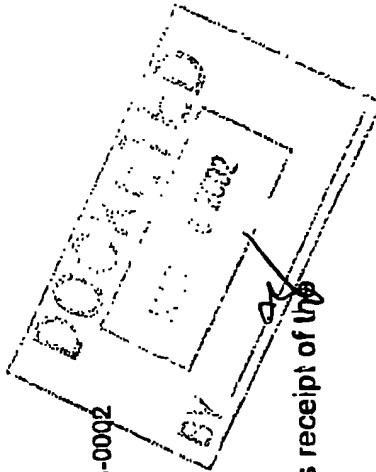
For filing 0261-0008

710.00

Applicant: Ja-Won Kim  
App. Serial No: 09/613,420  
Filed: July 10, 2000

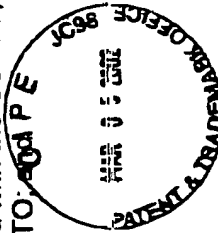
For: Safety Knock-Type Writing Utensil

Docket No.: 0168-0002  
By: Toni-Junell  
Herbert/km



When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following:

1. Transmittal letter to the USPTO;
2. Resubmission of Petition to Accept Late Payment of Issue Fee and Revive Abandoned Application;
3. 1 copy of Status Request documents previously filed with the USPTO;
4. 1 copy of Petition to Accept Delay Payment of Issue Fee documents previously filed with the USPTO;
5. 1 copy of Submission of Formal Drawings previously filed with the USPTO;
6. 1 copy of Formal drawings previously filed with the USPTO; and
7. 1 return postcard



FAX RECEIVED

MAR 11 2002



**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>4-1-02</u>		2 Serial/Patent # <u>09/851,983</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
	Petition			\$							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
2/6	Other	6	3-11-02	\$ 70—							
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		7 TOTAL AMOUNT OF REFUND		\$							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
<input checked="" type="checkbox"/>	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td>5</td><td>0</td><td>--</td><td>0</td><td>6</td><td>2</td><td>2</td> </tr> </table>			5	0	--	0	6	2	2
5	0	--	0	6	2	2					
	No Fee Due (Explanation):										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>D WOOD</u>		TITLE: <u>PET ATTY</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>308-6918</u>									
OFFICE: <u>PETITIONS</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>5-21-02</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*